

SB 762-1  
(LC 3470)  
4/1/21 (AG/ps)

Requested by SENATE COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY  
(at the request of Governor Kate Brown)

**PROPOSED AMENDMENTS TO  
SENATE BILL 762**

1 In line 2 of the printed bill, after “wildfire” insert “; creating new pro-  
2 visions; amending ORS 105.464, 197.716, 205.130, 401.025, 477.015, 477.025,  
3 477.027, 477.281 and 526.360; repealing ORS 477.017, 477.018, 477.023, 477.029,  
4 477.031, 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061; and declaring  
5 an emergency”.

6 Delete lines 4 through 8 and insert:

7

8

**“ELECTRIC SYSTEM PLANS**

9

10 **“SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made**  
11 **a part of ORS chapter 757.**

12 **“SECTION 2. The Public Utility Commission shall periodically con-**  
13 **vene workshops for the purpose of helping public utilities that provide**  
14 **electricity, municipal electric utilities, people’s utility districts organ-**  
15 **ized under ORS chapter 261 that sell electricity, electric cooperatives**  
16 **organized under ORS chapter 62 and operators of electrical trans-**  
17 **mission and distribution systems to develop and share information for**  
18 **the identification, adoption and carrying out of best practices regard-**  
19 **ing wildfires, including, but not limited to, risk-based wildfire pro-**  
20 **tection and risk-based wildfire mitigation procedures and standards.**

21 **“SECTION 3. (1) A public utility that provides electricity must have**

1 and operate in compliance with a risk-based wildfire protection plan  
2 that is filed with the Public Utility Commission and has been evalu-  
3 ated by the commission. The plan must be based on reasonable and  
4 prudent practices identified through workshops conducted by the  
5 commission pursuant to section 2 of this 2021 Act and on commission  
6 standards adopted by rule. The public utility must design the plan in  
7 a manner that seeks to protect public safety, reduce risk to utility  
8 customers and promote electrical system resilience to wildfire damage.

9 “(2) A public utility that provides electricity shall regularly update  
10 a risk-based wildfire protection plan on a schedule determined by the  
11 commission. The plan must, at a minimum:

12 “(a) Identify areas that are subject to a heightened risk of wildfire  
13 and are:

14 “(A) Within the service territory of the public utility; and

15 “(B) Outside the service territory of the public utility but within a  
16 reasonable distance, as determined by the commission, of the public  
17 utility’s generation or transmission assets.

18 “(b) Identify a means for mitigating wildfire risk that reflects a  
19 reasonable balancing of mitigation costs with the resulting reduction  
20 of wildfire risk.

21 “(c) Identify preventive actions and programs that the public utility  
22 will carry out to minimize the risk of utility facilities causing a  
23 wildfire.

24 “(d) After seeking information from regional, state and local enti-  
25 ties, including municipalities, identify a protocol for the deenergizing  
26 of power lines and adjusting of power system operations to mitigate  
27 wildfires, promote the safety of the public and first responders and  
28 preserve health and communication infrastructure.

29 “(e) Describe the procedures, standards and time frames that the  
30 public utility will use to inspect utility infrastructure in areas that the

1 **public utility identifies under paragraph (a) of this subsection.**

2 **“(f) Describe the procedures, standards and time frames that the**  
3 **public utility will use to carry out vegetation management in areas**  
4 **that the public utility identifies under paragraph (a) of this subsection.**

5 **“(g) Identify the development, implementation and administration**  
6 **costs for the plan.**

7 **“(h) Identify the community outreach and public awareness efforts**  
8 **that the public utility will use before, during and after a wildfire sea-**  
9 **son.**

10 **“(3) To develop a plan described in subsection (2) of this section, a**  
11 **public utility may consult with and consider information from re-**  
12 **gional, state and local entities, including municipalities.**

13 **“(4) The commission, in consultation with the State Forestry De-**  
14 **partment and local emergency services agencies, shall evaluate a**  
15 **public utility’s wildfire protection plan and plan updates through a**  
16 **public process.**

17 **“(5) Not more than 180 days after receiving a wildfire protection**  
18 **plan or plan update from a public utility, the commission shall approve**  
19 **or approve with conditions the plan or update if the commission finds**  
20 **that the plan or update is based on reasonable and prudent practices**  
21 **identified through workshops pursuant to section 2 of this 2021 Act and**  
22 **designed to meet all applicable rules and standards adopted by the**  
23 **commission.**

24 **“(6) The commission’s approval of a wildfire protection plan does**  
25 **not establish a defense to any decision, order or rule or relieve a public**  
26 **utility from proactively managing wildfire risk, including by monitor-**  
27 **ing emerging practices and technologies.**

28 **“(7) The commission shall adopt rules for the implementation of**  
29 **this section. The rules may include, but need not be limited to, pro-**  
30 **cedures and standards regarding vegetation management, public power**

1 safety shutoffs and restorations, pole materials, circuitry and moni-  
2 toring systems.

3 “(8) All reasonable operating costs incurred by, and prudent in-  
4 vestments made by, a public utility to develop, implement or operate  
5 a wildfire protection plan under this section are recoverable in the  
6 rates of the public utility from all customers through a filing under  
7 ORS 757.210 to 757.220. The commission shall establish an automatic  
8 adjustment clause, as defined in ORS 757.210, or another method to  
9 allow timely recovery of the costs.

10 **“SECTION 3a.** (1) Violation of section 3 of this 2021 Act or a rule  
11 adopted pursuant to section 3 of this 2021 Act is subject to a civil  
12 penalty not to exceed \$10,000.

13 “(2) Notwithstanding ORS 183.315 (6), 183.745 (7)(d) and 756.500 to  
14 756.610, civil penalties under this section must be imposed by the  
15 Public Utility Commission as provided in ORS 183.745.

16 “(3) Civil penalties collected under this section must be paid into  
17 the General Fund and credited to the Public Utility Commission Ac-  
18 count as described in ORS 756.990 (7).

19 **“SECTION 4.** (1) As used in this section, ‘consumer-owned utility’  
20 and ‘governing body’ have the meanings given those terms in ORS  
21 757.600.

22 “(2) A consumer-owned utility must have and operate in compliance  
23 with a risk-based wildfire mitigation plan approved by the governing  
24 body of the utility. The plan must be designed to protect public safety,  
25 reduce risk to utility customers and promote electrical system  
26 resilience to wildfire damage.

27 “(3) The consumer-owned utility shall regularly update the risk-  
28 based wildfire mitigation plan on a schedule the governing body deems  
29 consistent with prudent utility practices.

30 “(4) A consumer-owned utility shall conduct a wildfire risk assess-

1 ment of utility facilities. The utility shall review and revise the as-  
2 sessment on a schedule the governing body deems consistent with  
3 prudent utility practices.

4 “(5) A consumer-owned utility shall submit a copy of the risk-based  
5 wildfire mitigation plan approved by the utility governing body to the  
6 Public Utility Commission to facilitate commission functions regard-  
7 ing statewide wildfire mitigation planning and wildfire preparedness.

8 “SECTION 5. A public utility that provides electricity shall submit  
9 the first risk-based wildfire protection plan required of the public  
10 utility under section 3a of this 2021 Act for Public Utility Commission  
11 evaluation no later than December 31, 2021.

12 “SECTION 6. A consumer-owned utility shall submit the first risk-  
13 based wildfire mitigation plan required under section 4 of this 2021 Act  
14 to the utility governing body no later than June 30, 2022.

15 “SECTION 6a. (1) As used in this section, ‘electric utility’ has the  
16 meaning given that term in ORS 757.600.

17 “(2) Sections 3 and 4 of this 2021 Act do not affect the terms or  
18 conditions of easement held by an electric utility over private land as  
19 of the effective date of this 2021 Act.

20 “SECTION 6b. Sections 3a and 4 of this 2021 Act do not apply to  
21 municipally owned utilities organized under ORS chapter 225.

22

23 “STATEWIDE MAP OF WILDFIRE RISK

24

25 “SECTION 7. (1) The State Board of Forestry shall establish by rule  
26 criteria by which the State Forestry Department must develop and  
27 maintain the map described in subsection (2) of this section using the  
28 most current wildfire assessments. The criteria must direct the de-  
29 partment to incorporate input from local governments when develop-  
30 ing the map.

1       “(2) The department shall oversee the development and mainte-  
2 nance of a comprehensive statewide map of wildfire risk. The map  
3 must:

4       “(a) Be based on wildfire risk classes identified pursuant to sub-  
5 section (3) of this section.

6       “(b) Be sufficiently detailed to allow the assessment of wildfire risk  
7 at the property-ownership level.

8       “(c) Include the boundaries of the wildland-urban interface, as de-  
9 fined in ORS 477.015, consistent with national standards.

10       “(d) Be used to populate an Oregon Explorer Wildfire Risk Portal.  
11 The portal must be the official wildfire planning and risk classification  
12 mapping tool for the State of Oregon.

13       “(e) Include a layer that geospatially displays the locations of so-  
14 cially and economically vulnerable communities.

15       “(3) To inform the map, the department shall identify statewide  
16 wildfire risk classes, consistent with ORS 477.027, based on weather,  
17 climate, topography and vegetation.

18       “(4) To develop and maintain the map, the department shall col-  
19 laborate with Oregon State University, other state agencies, the State  
20 Fire Marshal, local governments, federally recognized Indian tribes in  
21 this state, other public bodies and any other information sources that  
22 the department deems appropriate.

23       “(5) In maintaining the map, the department shall make technical  
24 and other adjustments as needed over time.

25       “(6) The department shall make the map accessible to the public in  
26 electronic form.

27       “(7) The department shall provide technical assistance to represen-  
28 tatives of state and local government that use the map.

29       “SECTION 7a. (1) On or before December 31, 2021, the State  
30 Forestry Department shall report to an interim committee of the

1 Legislative Assembly related to wildfire, in the manner provided in  
2 ORS 192.245, on the department’s progress in complying with the re-  
3 quirements of section 7 of this 2021 Act.

4 “(2) On or before June 30, 2022, the department must finish all  
5 actions required of the department by section 7 of this 2021 Act.

6

7

**“DEFENSIBLE SPACE**

8

9 **“SECTION 8. (1) The State Fire Marshal shall establish minimum**  
10 **defensible space requirements for wildfire risk reduction on lands in**  
11 **areas identified on the map described in section 7 of this 2021 Act as**  
12 **within the wildland-urban interface. In establishing the requirements,**  
13 **the State Fire Marshal shall consult with the Oregon Fire Code Advi-**  
14 **sory Board and select standards from the framework set forth in the**  
15 **International Wildland-Urban Interface Code (2020 ed.) published by**  
16 **the International Code Council. Subject to additional local require-**  
17 **ments, the requirements shall apply statewide for all lands of the type**  
18 **identified in the map. In consultation with the Oregon Fire Code Ad-**  
19 **visory Board, the State Fire Marshal shall periodically reexamine the**  
20 **standards set forth in the International Wildland-Urban Interface Code**  
21 **(2020 ed.) and update the State Fire Marshal’s standards to reflect**  
22 **current best practices.**

23 **“(2) Except as otherwise provided in this subsection or subsection**  
24 **(3) of this section, the State Fire Marshal may administer and enforce**  
25 **the minimum defensible space requirements established under sub-**  
26 **section (1) of this section that are applicable to the lands within the**  
27 **jurisdiction of a local government. A local government may administer**  
28 **and enforce the minimum defensible space requirements established**  
29 **by the State Fire Marshal within the jurisdiction of the local govern-**  
30 **ment.**

1       **“(3) A local government may adopt and enforce local requirements**  
2 **for defensible space on lands that are greater than the minimum**  
3 **defensible space requirements established by the State Fire Marshal.**  
4 **Any local requirements that a local government adopts for defensible**  
5 **space must be defensible space standards selected from the framework**  
6 **set forth in the International Wildland-Urban Interface Code (2020 ed.).**  
7 **If a local government adopts local requirements under this subsection,**  
8 **within the jurisdiction of the local government the State Fire Marshal**  
9 **may administer and enforce the minimum defensible space require-**  
10 **ments established by the State Fire Marshal under subsection (1) of**  
11 **this section and the local government may enforce requirements**  
12 **adopted under this subsection that are greater than the minimum**  
13 **defensible space requirements established by the State Fire Marshal.**  
14 **The State Fire Marshal and the local government shall coordinate any**  
15 **inspection and enforcement efforts described in this subsection.**

16       **“(4) If a local government administers and enforces minimum**  
17 **defensible space requirements established by the State Fire Marshal**  
18 **within the jurisdiction of the local government, the local government**  
19 **shall periodically report to the State Fire Marshal regarding whether**  
20 **lands within the jurisdiction of the local government are in compliance**  
21 **with the applicable minimum defensible space requirements. The re-**  
22 **ports shall state the extent of compliance for each property, the**  
23 **change in degree of compliance since the previous report and any**  
24 **other information required by the State Fire Marshal by rule. In ad-**  
25 **dition to requiring periodic reports, the State Fire Marshal may at any**  
26 **time require a local government to report the defensible space condi-**  
27 **tions for any lands on which minimum defensible space requirements**  
28 **are enforced by the local government.**

29       **“(5) The State Fire Marshal shall administer a community risk re-**  
30 **duction program that emphasizes education and methods of prevention**



1 with respect to wildfire risk, defensible space enforcement, response  
2 planning and community preparedness for wildfires. The State Fire  
3 Marshal may provide financial, administrative, technical or other as-  
4 sistance to a local government to facilitate the administration and  
5 enforcement of minimum defensible space requirements within the  
6 jurisdiction of the local government. A local government shall expend  
7 financial assistance provided by the State Fire Marshal under this  
8 subsection to give priority to the creation of defensible space:

9 “(a) On lands owned by members of socially and economically vul-  
10 nerable communities, persons with limited proficiency in English and  
11 persons of lower income as defined in ORS 456.055.

12 “(b) For critical or emergency infrastructure.

13 “(c) For schools, hospitals and facilities that serve seniors.

14 “SECTION 8a. The State Fire Marshal shall establish minimum  
15 defensible space requirements for wildfire risk reduction on lands in  
16 areas identified on the map described in section 7 of this section on  
17 or before December 31, 2022.

18 “SECTION 9. The Community Risk Reduction Fund is established  
19 in the State Treasury, separate and distinct from the General Fund.  
20 Interest earned by the Community Risk Reduction Fund shall be  
21 credited to the fund. Moneys in the fund are continuously appropriated  
22 to the State Fire Marshal for the purpose of carrying out community  
23 risk reduction and the local government financial assistance described  
24 in section 8 of this 2021 Act.

25 “SECTION 10. (1) The State Fire Marshal shall annually report re-  
26 garding the status of State Fire Marshal and local government activ-  
27 ities for carrying out section 8 of this 2021 Act to the Legislative  
28 Assembly in the manner provided in ORS 192.245 on or before the date  
29 of convening of the regular session of the Legislative Assembly as  
30 specified in ORS 171.010.



1 local governments.

2 “(4) The Department of Land Conservation and Development shall  
3 complete the actions required by this section on or before October 1,  
4 2022.

5 “(5) The Department of Land Conservation and Development shall  
6 report to an interim committee of the Legislative Assembly related to  
7 wildfire, in the manner provided in ORS 192.245, on or before October  
8 1, 2022. The report must include recommendations concerning the up-  
9 dates.

10

11

#### “BUILDING CODES

12

13 “SECTION 12. (1) For high wildfire risk classes identified pursuant  
14 to section 7 of this 2021 Act, the Department of Consumer and Busi-  
15 ness Services shall adopt wildfire hazard mitigation building code  
16 standards for new construction, as described in section R327 of the 2019  
17 amendments to the 2017 Oregon Residential Specialty Code.

18 “(2) The department shall incorporate the standards described in  
19 subsection (1) of this section into any updates to the Oregon residen-  
20 tial specialty code.

21 “SECTION 12a. Section 12 of this 2021 Act becomes operative on  
22 December 31, 2022.

23

24

#### “HEALTH SYSTEMS FOR SMOKE

25

26 “SECTION 13. The Environmental Quality Commission shall de-  
27 velop and implement a program for supporting local communities,  
28 through intergovernmental agreements, grants, contracts or cooper-  
29 ative agreements, to establish plans and strategies designed to detect,  
30 prepare for, communicate or mitigate the environmental and public

1 health impacts of smoke from wildland fires.

2 **“SECTION 13a.** The Environmental Quality Commission shall es-  
3 tablish and implement a smoke management grant program to assist  
4 communities with developing community response plans to enhance  
5 the communities’ readiness and mitigation capacity for smoke.

6 **“SECTION 13b.** (1) The Environmental Quality Commission shall  
7 establish and implement a program to support communities across  
8 this state in monitoring, interpreting and communicating data related  
9 to ambient air quality conditions.

10 **“(2)** As part of the program, the commission shall:

11 **“(a)** Conduct community outreach in areas of this state that are  
12 prone to poor air quality attributable to elevated levels of particulate  
13 matter.

14 **“(b)** Deploy air quality monitoring equipment in a manner sufficient  
15 to evaluate an increased prevalence of poor air quality attributable to  
16 elevated levels of particulate matter.

17 **“(c)** Monitor meteorological conditions in a manner sufficient to  
18 forecast occurrences of poor air quality.

19 **“SECTION 14.** (1) The Oregon Health Authority shall establish and  
20 implement a clean air shelter grant program. The authority shall re-  
21 quire grant recipients to provide access to clean air shelters at no  
22 charge.

23 **“(2)** The Office of Emergency Management is the lead state agency  
24 for clean air shelter operations. The office shall:

25 **“(a)** Consult and collaborate with the authority to align practices  
26 for voluntary evacuations and emergency sheltering operations.

27 **“(b)** Coordinate with the authority in setting priorities for awarding  
28 grants described in subsection (1) of this section.

29 **“(c)** Provide support to local agencies that take lead roles in oper-  
30 ating and planning clean air shelters in the local agencies’ jurisdic-

1 tions.

2 **“SECTION 15. (1) As used in this section, ‘smoke filtration system’**  
3 **means an air filtration system capable of removing particulates and**  
4 **other harmful components of wildfire smoke.**

5 **“(2) The Oregon Health Authority shall establish a program to in-**  
6 **crease the availability of smoke filtration systems among persons**  
7 **vulnerable to the health effects of wildfire smoke who reside in areas**  
8 **susceptible to wildfire smoke.**

9 **“(3) The authority may issue grants for the installation of smoke**  
10 **filtration systems, the installation of replacement filters and housing**  
11 **interventions that facilitate effective smoke filtration systems, such**  
12 **as weather proofing, in residential buildings, commercial buildings or**  
13 **buildings open to the public in areas susceptible to wildfire smoke. The**  
14 **authority shall give grant priority to installations in residential**  
15 **buildings occupied by persons who qualify for the Oregon Health Plan**  
16 **or Medicaid and are vulnerable to the health effects of wildfire smoke.**

17 **“(4) The authority may adopt rules establishing standards for**  
18 **smoke filtration systems obtained with grant moneys received under**  
19 **this section, including, but not limited to, minimum acceptable effi-**  
20 **ciency for the removal of particulates and other harmful substances**  
21 **generated by wildfires.**

22 **“SECTION 15a. The Oregon Health Authority shall periodically re-**  
23 **port to an appropriate committee or interim committee of the Legis-**  
24 **lative Assembly, as described in ORS 192.245, on:**

25 **“(1) The use of clean air shelters funded under section 14 of this 2021**  
26 **Act, including use of the clean air shelters by vulnerable and under-**  
27 **served communities.**

28 **“(2) The use of smoke filtration systems funded under section 15**  
29 **of this 2021 Act, including use of the smoke filtration systems by vul-**  
30 **nerable and underserved communities.**

1       **“(3) The effectiveness of the programs described in sections 14 and**  
2 **15 of this 2021 Act.**

3       **“(4) Areas for improvement.**

4       **“(5) Public health impacts during smoke events.**

5       **“(6) Whether funding described in sections 14 and 15 of this 2021 Act**  
6 **has provided a public health return on investment.**

7  
8               **“EMERGENCY RESPONSE AND DISASTER RECOVERY**

9  
10       **“SECTION 16.** ORS 401.025 is amended to read:

11       “401.025. As used in this chapter:

12       “(1) ‘Emergency’ means a human created or natural event or circumstance  
13 that causes or threatens widespread loss of life, injury to person or property,  
14 human suffering or financial loss, including but not limited to:

15       “(a) Fire, **wildfire**, explosion, flood, severe weather, landslides or mud  
16 slides, drought, earthquake, volcanic activity, tsunamis or other oceanic  
17 phenomena, spills or releases of oil or hazardous material as defined in ORS  
18 466.605, contamination, utility or transportation emergencies, disease, blight,  
19 infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

20       “(b) A rapid influx of individuals from outside this state, a rapid mi-  
21 gration of individuals from one part of this state to another or a rapid dis-  
22 placement of individuals if the influx, migration or displacement results from  
23 the type of event or circumstance described in paragraph (a) of this sub-  
24 section.

25       “(2) ‘Emergency service agency’ means an organization within a local  
26 government that performs essential services for the public’s benefit before,  
27 during or after an emergency, such as law enforcement, fire control, health,  
28 medical and sanitation services, public works and engineering, public infor-  
29 mation and communications.

30       “(3) ‘Emergency services’ means activities engaged in by state and local

1 government agencies to prepare for an emergency and to prevent, minimize,  
2 respond to or recover from an emergency, including but not limited to coor-  
3 dination, preparedness planning, training, interagency liaison, fire fighting,  
4 oil or hazardous material spill or release cleanup as defined in ORS 466.605,  
5 law enforcement, medical, health and sanitation services, engineering and  
6 public works, search and rescue activities, warning and public information,  
7 damage assessment, administration and fiscal management, and those meas-  
8 ures defined as ‘civil defense’ in 50 U.S.C. app. 2252.

9 “(4) ‘Local government’ has the meaning given that term in ORS 174.116.

10 “(5) ‘Major disaster’ means any event defined as a ‘major disaster’ under  
11 42 U.S.C. 5122(2).

12 **“SECTION 17. (1) The Office of Emergency Management shall up-  
13 date its statewide emergency plan as necessary to prepare for or re-  
14 spond to wildfire emergencies on an area-wide or statewide basis. The  
15 plan developed by the office to prepare for or respond to wildfire  
16 emergencies shall include, but need not be limited to, wildfire risk  
17 mitigation efforts and evacuation planning.**

18 **“(2) The office shall coordinate with cities, counties, adult foster  
19 homes, health care facilities and residential facilities and the Oregon  
20 Health Authority to establish local or private procedures to prepare  
21 for emergencies related to wildfire and ensure that local efforts to  
22 prevent, respond to or recover from an emergency caused by wildfire  
23 are conducted in a manner consistent with the plan developed by the  
24 office to prepare for or respond to wildfire emergencies. The coordi-  
25 nated activities may include, but need not be limited to, providing  
26 training, carrying out exercises and promoting community education.**

27 **“SECTION 17a. The Office of Emergency Management shall conduct  
28 the update required by section 17 (1) of this 2021 Act on or before De-  
29 cember 31, 2021.**

30

1                                   **“REDUCTION OF WILDFIRE RISK**

2

3           **“SECTION 18. (1)(a) The State Forestry Department shall design**  
4 **and implement a program to reduce wildfire risk through the resto-**  
5 **ration of landscape resiliency and the reduction of hazardous fuel on**  
6 **public or private forestlands and rangelands and in communities near**  
7 **homes and critical infrastructure.**

8           **“(b) The department shall select, administer and evaluate projects**  
9 **consistent with the objectives described in this subsection.**

10           **“(c) When developing project selection criteria, the department**  
11 **shall, to the extent practicable, consult and cooperate with state and**  
12 **federal agencies, counties, cities and other units of local government,**  
13 **public and private forestland and rangeland owners, forest**  
14 **collaboratives and other relevant community organizations and ensure**  
15 **consistency with the priorities described in subsection (2) of this sec-**  
16 **tion.**

17           **“(2) The department shall:**

18           **“(a) In collaboration with the Oregon State University Extension**  
19 **Service and other entities, identify strategic landscapes that are ready**  
20 **for treatment, giving priority to projects within the landscapes that**  
21 **are:**

22           **“(A) On all lands in the four highest eNVC risk geographies identi-**  
23 **fied in the United States Forest Service report titled ‘Pacific North-**  
24 **west Quantitative Wildfire Risk Assessment: Methods and Results’ and**  
25 **dated April 9, 2018;**

26           **“(B) On federal lands currently approved for treatment projects**  
27 **under the National Environmental Policy Act (42 U.S.C. 4321 et seq.);**  
28 **and**

29           **“(C) Focusing on treatments protective of human life, property,**  
30 **critical infrastructure, watershed health and forest and rangeland**



1 **habitat restoration;**

2 **“(b) To the extent practicable, design the projects to:**

3 **“(A) Evaluate varying types of fuel treatment methods;**

4 **“(B) Leverage the collective power of public-private partnerships,**  
5 **federal funding and state funding; and**

6 **“(C) Optimize the receipt of federal government investments that**  
7 **equal or exceed department investments;**

8 **“(c) Design the projects to involve existing forest-based and range-**  
9 **based contracting entities;**

10 **“(d) Design the projects to complement programs and projects of**  
11 **the Oregon Watershed Enhancement Board or other state agencies as**  
12 **needed;**

13 **“(e) Design the projects to involve the Oregon Wildfire Workforce**  
14 **Corps Program established by section 20a of this 2021 Act, to the**  
15 **maximum extent possible, for community protection projects located**  
16 **in the wildland-urban interface, subject to funding available in the**  
17 **Oregon Wildfire Workforce Corps Fund established by section 20b of**  
18 **this 2021 Act;**

19 **“(f) Affirmatively seek, and enhance opportunities for, collab-**  
20 **oration from stakeholders holding a wide variety of perspectives re-**  
21 **garding forest and rangeland management and opportunities for**  
22 **significant involvement by communities in proximity to project sites;**  
23 **and**

24 **“(g) Engage in monitoring of the project to produce useful infor-**  
25 **mation on which to base recommendations to the Legislative Assem-**  
26 **bly.**

27 **“(3) A project under this section may not include commercial**  
28 **thinning on:**

29 **“(a) Inventoried roadless areas;**

30 **“(b) Riparian reserves identified in the Northwest Forest Plan or in**

1 **federal Bureau of Land Management resource management plans;**

2 **“(c) Late successional reserves, except to the extent consistent with**  
3 **the 2011 United States Fish and Wildlife Service Revised Recovery Plan**  
4 **for the Northern Spotted Owl (*Strix occidentalis caurina*);**

5 **“(d) Areas protected under the federal Wild and Scenic Rivers Act**  
6 **(P.L. 90-542), national recreation areas, national monuments or areas**  
7 **protected under ORS 390.805 to 390.925;**

8 **“(e) Designated critical habitat for species listed as threatened or**  
9 **endangered under the Endangered Species Act of 1973 (P.L. 93-205) or**  
10 **by the State Fish and Wildlife Commission under ORS 496.172, unless**  
11 **commercial thinning is already allowed under an existing environ-**  
12 **mental review or recognized habitat recovery plan; or**

13 **“(f) Federally designated areas of critical environmental concern**  
14 **or federally designated wilderness study areas.**

15 **“(4) The department shall give public notice, and allow reasonable**  
16 **opportunity for public input, when identifying and selecting landscapes**  
17 **under this section.**

18 **“SECTION 19. Section 18 of this 2021 Act does not expand, diminish**  
19 **or otherwise affect a right, privilege, duty or function established un-**  
20 **der federal, state or local laws or rules that pertain to the manage-**  
21 **ment of private lands in this state.**

22 **“SECTION 20. (1) The State Forestry Department shall complete the**  
23 **operation of projects under section 18 of this 2021 Act no later than**  
24 **June 30, 2023.**

25 **“(2) The department shall report regarding progress in carrying out**  
26 **projects under section 18 of this 2021 Act to an interim committee of**  
27 **the Legislative Assembly related to natural resources, in the manner**  
28 **provided by ORS 192.245, and to the Governor no later than January**  
29 **15, 2022. The report shall include, but need not be limited to:**

30 **“(a) An explanation of how landscapes were selected, a summary**

1 of the selected projects, a description of initial outcomes from projects  
2 selected under the requirements established by section 18 of this 2021  
3 Act, anticipated time frames for completion of the projects and any  
4 initial recommendations concerning landscape identification and  
5 projects selected under the requirements established by section 18 of  
6 this 2021 Act;

7 “(b) A description of the funding source types and amounts secured  
8 by the department as matching funds to implement projects; and

9 “(c) A summary of outreach and coordination with relevant federal  
10 and state agencies, counties, cities and other units of local govern-  
11 ment, public and private forestland and rangeland owners, forest  
12 collaboratives and other relevant community organizations to identify  
13 and select landscapes for treatment and develop selection criteria for  
14 projects.

15 “(3)(a) The department shall report its findings and recommen-  
16 dations regarding wildfire danger reduction on forestland and  
17 rangeland and in communities, based on information obtained from  
18 the projects described in section 18 of this 2021 Act, to an interim  
19 committee of the Legislative Assembly related to natural resources,  
20 in the manner provided by ORS 192.245, and to the Governor no later  
21 than July 15, 2023. The report shall include, but need not be limited  
22 to:

23 “(A) A qualitative and quantitative summary of the project out-  
24 comes that, at a minimum, states the number of acres treated, the  
25 treatment actions carried out and any resulting or anticipated changes  
26 in landscape conditions related to enhanced resiliency or the miti-  
27 gation of wildfire risk to public values;

28 “(B) The identification of barriers to more efficient implementation  
29 and achievement of goals in future wildfire danger reduction projects;

30 “(C) A qualitative and quantitative summary of the use of pre-

1 scribed fire activities for wildfire danger reduction that, at a mini-  
2 mum, states the number of acres burned and any resulting or  
3 anticipated changes in landscape conditions related to enhanced  
4 resiliency or the mitigation of wildfire risk to public values;

5 “(D) The identification of existing disincentives to, and recommen-  
6 dation for reducing barriers to, the use of prescribed fire;

7 “(E) Recommendations for creating optimal working relationships  
8 with forest collaboratives and other relevant community organizations  
9 regarding future wildfire risk reduction projects;

10 “(F) A description of the funding source types and amounts secured  
11 by the department as matching funds to carry out projects; and

12 “(G) Recommendations for investment in future wildfire danger  
13 reduction projects to be carried out in the 2023-2025 biennium.

14 “(b) In developing the report required under this subsection, the  
15 department shall work in coordination with federal land management  
16 agencies, institutions of higher education and third parties to develop  
17 consistent performance measurements and condition-based metrics for  
18 monitoring and communicating the effectiveness of state investments  
19 and project actions in reducing wildfire danger on public or private  
20 forestlands and rangelands and in communities.

21

22

## “OREGON WILDFIRE WORKFORCE CORPS

23

24 “SECTION 20a. (1) The Oregon Wildfire Workforce Corps Program  
25 is established for the purposes of:

26 “(a) Reducing the risk wildfire poses to communities and critical  
27 infrastructure.

28 “(b) Helping to create fire-adapted communities.

29 “(c) Engaging youth and young adults in workforce training.

30 “(2) Youth and young adults between 13 years of age and 26 years

1 of age who have been qualified by a youth development organization  
2 may participate in projects undertaken by the corps.

3 “(3) Notwithstanding an contrary provision of law, participants in  
4 projects undertaken by the corps:

5 “(a) Are not employees of the corps.

6 “(b) Are exempt from prevailing wage laws.

7 “(c) Must receive compensation for their participation of at least  
8 minimum wage or an allowance or stipend that, when combined with  
9 other sources of payment the participant is eligible to receive, includ-  
10 ing academic credit or an AmeriCorps education award, is equivalent  
11 to the value of minimum wage.

12 “SECTION 20b. (1) The Oregon Wildfire Workforce Advisory Com-  
13 mittee is established within the Higher Education Coordinating Com-  
14 mission for the purpose of engaging private sector funding for the  
15 Oregon Wildfire Workforce Corps Program and managing the Oregon  
16 Wildfire Workforce Corps Program grant process.

17 “(2) The Governor shall determine the number of members on the  
18 committee and appoint the members.

19 “(3) The committee shall actively seek and source private donations  
20 to increase donations to the Oregon Community Foundation.

21 “(4) Members may not receive compensation for service on the  
22 committee, but, subject to any applicable laws regulating travel and  
23 other expenses of state officers and employees, may be reimbursed for  
24 actual and necessary travel and other expenses incurred in the per-  
25 formance of committee duties with moneys available to the commis-  
26 sion for the purpose of reimbursing the members.

27 “(5) The committee shall administer a grant process that:

28 “(a) Provides funding to support the work conducted by the Oregon  
29 Wildfire Workforce Corps Program.

30 “(b) Defines and uses an equity lens in awarding grants.

1       “(c) Identifies through a competitive application process organiza-  
2 tions that are eligible for grants.

3       “(d) Ensures that grant awards support activities described in sub-  
4 section (6) of this section.

5       “(e) Establishes guidelines for prioritizing grant-supported projects  
6 to reduce community fire risks, promote youth and young adult  
7 workforce development and educational experiences and reduce haz-  
8 ardous fuels.

9       “(6) The committee shall consult with the State Forestry Depart-  
10 ment to ensure that the grant process awards funds to proposals that:

11       “(a) Protect at-risk communities and infrastructure within the  
12 wildland-urban interface, as described in section 18 of this 2021 Act.

13       “(b) Meet standards for fuel treatment established by the depart-  
14 ment.

15       “(c) Include an equity lens by identifying and supporting popu-  
16 lations with greater vulnerability, including communities of color,  
17 indigenous communities, communities with members who have limited  
18 proficiency in English and communities with lower-income members.

19       “(7) The committee shall biennially submit a report, on the timeline  
20 described in ORS 293.640, to an appropriate committee or interim  
21 committee of the Legislative Assembly, as described in ORS 192.245,  
22 regarding the expenditure of moneys deposited in the Oregon Wildfire  
23 Workforce Corps Fund.

24       “SECTION 20c. (1) As used in this section, ‘eligible organization’  
25 includes Oregon-based nonprofit youth job development organizations  
26 and public entities that provide programs of job training, skill devel-  
27 opment and forest-related career path training.

28       “(2) With moneys received pursuant to subsection 20b of this 2021  
29 Act, the Oregon Community Foundation shall:

30       “(a) Act as a fiscal agent for private entities to award gifts, grants,

1 contributions and other donations to support grants awarded under  
2 the grant process described in section 20b of this 2021 Act.

3 “(b) Provide funding to eligible organizations to support restoration  
4 of landscape resiliency and hazardous fuels reduction through grant-  
5 supported project identified by the Oregon Wildfire Workforce Advi-  
6 sory Committee.

7 “SECTION 20d. (1) The Oregon Wildfire Workforce Corps Fund is  
8 established in the State Treasury, separate and distinct from the  
9 General Fund. Interest earned by the Oregon Wildfire Workforce  
10 Corps Fund shall be credited to the fund.

11 “(2) Moneys in the fund are continuously appropriated to the Higher  
12 Education Coordinating Commission to be used as directed by the  
13 Oregon Wildfire Workforce Advisory Committee and for related ad-  
14 ministrative expenses of the commission and the State Forestry De-  
15 partment.

16 “(3) The commission shall keep records of all moneys credited to  
17 and deposited in the fund and the activity or program against which  
18 each withdrawal from the fund is charged.

19

20 “SMALL WOODLAND GRANT PROGRAM

21

22 “SECTION 20e. (1) As used in this section, ‘small woodland owner’  
23 means an individual, group, federally recognized Indian tribe in  
24 Oregon or association that owns between one and 160 acres of  
25 forestland, as defined in ORS 526.005.

26 “(2) The State Forestry Department shall establish a small  
27 woodland grant program for the purpose of providing grants, on a  
28 competitive basis, to support small woodland owners in reducing  
29 wildfire risk through the restoration of landscape resiliency and the  
30 reduction of hazardous fuels on the owners’ small woodlands.

1       **“(3) The department shall set criteria for assessing grant applica-**  
2 **tions and awarding grants.**

3  
4                               **“CERTIFIED BURN MANAGER PROGRAM**

5  
6       **“SECTION 21.** ORS 526.360 is amended to read:

7       “526.360. (1) The State Board of Forestry, [*and*] the [*forester*] **State**  
8 **Forester and forest protective associations** may assist to the extent pos-  
9 sible in developing, for forestry, grazing or agricultural uses, all forestland  
10 classified pursuant to ORS 526.328 or 526.340 for such uses, including the  
11 burning of brush or other flammable material for the purpose of:

12       “(a) Removing a fire hazard to any property;

13       “(b) Preparing seed beds;

14       “(c) Removing obstructions to or interference with the proper seeding or  
15 agricultural or grazing development or use of that land;

16       “(d) Promoting the establishment of new forest crops on cutover, denuded  
17 or underproductive lands;

18       “(e) Implementing pest prevention and suppression activities, as provided  
19 in ORS 527.310 to 527.370; or

20       “(f) Promoting improvements to forest health, including improvements to  
21 fish and wildlife habitat.

22       “(2) Upon request of the owner or the agent of the owner of any  
23 forestland classified pursuant to ORS 526.328 or 526.340, the forester **or a**  
24 **forest protective association** may perform or supervise burning operations  
25 thereon for any of the purposes stated in subsection (1) of this section. The  
26 owner or the agent of the owner shall supply such personnel and equipment  
27 and shall perform such fire control actions and activities as the forester **or**  
28 **forest protective association** may require while there is danger of the fire  
29 spreading. The forester **or forest protective association** may refuse to  
30 perform or supervise burning or to issue any burning permit when, in the



1 judgment of the forester **or forest protective association**, conditions so  
2 warrant.

3 “(3) To accomplish the purposes set forth in subsection (1) of this section,  
4 the [*State Board of Forestry may*] **board shall** establish by rule a Certified  
5 Burn Manager program.

6 “(4) The rules **required by subsection (3) of this section** shall include:

7 “(a) Certification standards, requirements and procedures;

8 “(b) Standards, requirements and procedures to revoke certification;

9 “(c) Actions and activities that a Certified Burn Manager must perform;

10 “(d) Actions and activities that a Certified Burn Manager may not allow  
11 or perform;

12 “(e) Limitations on the use of a Certified Burn Manager; and

13 “(f) Any other standard, requirement or procedure that the board consid-  
14 ers necessary for the safe and effective administration of the program.

15 “(5) **The rules required by subsection (3) of this section may estab-**  
16 **lish and impose fees for participation in the program.**

17 “[~~(4)~~] (6) When [*any*] a burning for any of the purposes stated in sub-  
18 section (1) of this section on forestland classified pursuant to ORS 526.328  
19 or 526.340 is started under the supervision of and supervised by the  
20 forester, **a forest protective association** or a Certified Burn Manager,  
21 [*no*] a person [*shall*] **may not** be **held** liable for property damage resulting  
22 from that burning unless the damage is caused by the negligence of the  
23 person.

24 “**SECTION 22. By December 1, 2021, the State Board of Forestry**  
25 **shall:**

26 “(1) **Consult with the Oregon Prescribed Fire Council concerning**  
27 **best practices for conducting the Certified Burn Manager program**  
28 **described in ORS 526.360;**

29 “(2) **Initiate rulemaking to establish the program; and**

30 “(3) **Report in the manner provided in ORS 192.245 to an appropriate**

1 committee or interim committee of the Legislative Assembly on  
2 progress the board has made in establishing and implementing the  
3 program and when the board expects to launch the program.

4  
5 **“PROTECTED AREAS**

6  
7 **“SECTION 23. (1) The State Forester, in collaboration with the**  
8 **State Fire Marshal, state agencies and local governments as defined**  
9 **in ORS 174.116, shall adopt rules establishing baseline levels of wildfire**  
10 **protection for lands that are outside of forest protection districts and**  
11 **susceptible to wildfire. When establishing the baseline levels for lands,**  
12 **the State Forester shall ensure that the levels are adapted to reflect**  
13 **regional conditions. A county, in collaboration with the State Forester**  
14 **and the State Fire Marshal, may work to ensure that all lands within**  
15 **the county that are outside of forest protection districts and suscep-**  
16 **tible to wildfire are provided with wildfire protection services at the**  
17 **applicable baseline level or a higher level. As used in this subsection,**  
18 **‘forest protection districts’ means lands designated in State Forester**  
19 **rules as provided under ORS 477.225.**

20 **“(2) A county, in collaboration with the State Forester and the**  
21 **State Fire Marshal, may assist:**

22 **“(a) Landowners, individuals and businesses with forming jurisdic-**  
23 **tions to provide wildfire protection;**

24 **“(b) Landowners, individuals, businesses and jurisdictions with ob-**  
25 **taining expansion of or other changes to boundaries or facility lo-**  
26 **cations of jurisdictions that provide wildfire protection;**

27 **“(c) Jurisdictions to expand or adjust jurisdiction service bounda-**  
28 **ries to ensure adequate wildfire protection for lands; and**

29 **“(d) Jurisdictions in developing wildfire protection facilities, equip-**  
30 **ment, training and other resources adequate to ensure that the juris-**

1 diction provides timely and effective wildfire protection at the baseline  
2 level or higher on lands described in subsection (1) of this section  
3 throughout the jurisdiction.

4 “(3) The State Forester may provide financial assistance to counties  
5 for carrying out county duties under subsection (2) of this section  
6 from any funds made available to the State Forester and designated  
7 for that purpose.

8 **“SECTION 24.** A county shall ensure no later than January 1, 2026,  
9 that all lands described in section 23 (1) of this 2021 Act within the  
10 county have baseline level or higher wildfire protection as described  
11 in section 23 of this 2021 Act.

12

13 **“WILDFIRE RESPONSE CAPACITY**

14

15 **“SECTION 25.** (1) The State Forestry Department shall consult and  
16 coordinate with federal agencies, private stakeholders and other state  
17 agencies to determine the adequacy of state, federal and private  
18 wildfire response capacity. The department shall act to facilitate  
19 wildfire prevention and wildfire response communication and coordi-  
20 nation between federal, state, local and private entities.

21 “(2) The department shall, to the extent practicable, seek to lever-  
22 age state moneys to obtain an increase in federal wildfire resources  
23 available to Oregon for effective initial response purposes.

24 “(3) The department shall consult with the office of the State Fire  
25 Marshal and with local fire defense board chiefs to assess the adequacy  
26 of available mutual aid to provide wildfire response on wildland-urban  
27 interface lands and to identify means for providing additional re-  
28 sources from the state or other entities to enhance wildfire response  
29 capacity on wildland-urban interface lands.

30 “(4) The department shall continually identify workforce develop-

1 **ment needs associated with wildfire risk mitigation and wildfire re-**  
2 **sponse and develop funding proposals for meeting those needs on a**  
3 **sustained basis. The identified workforce development needs must**  
4 **align with wildfire risk to provide an adequate level of wildfire pro-**  
5 **tection, as described in ORS 477.062.**

6 **“(5) The department may enter into cooperative agreements or**  
7 **contracts with a local or private entity for the purpose of assisting the**  
8 **entity to organize for purposes of wildfire risk mitigation or wildfire**  
9 **response, including, but not limited to, facilitating wildfire training**  
10 **and the acquisition of firefighting equipment for the entity and as-**  
11 **sisting with payment for liability insurance and other administrative**  
12 **expenses of the entity associated with wildfire risk mitigation or**  
13 **wildfire response.**

14

15 **“WILDLAND-URBAN INTERFACE FIRE PROTECTION**

16

17 **“SECTION 26.** ORS 477.015 is amended to read:

18 **“477.015. [(1)] As used in this section and ORS [477.015 to 477.061] 477.025**  
19 **and 477.027,** unless the context otherwise requires, *‘[forestland]*  
20 **wildland-urban interface’ means an area in which humans or human**  
21 **development meets or intermixes with wildland fuels. [a geographic area**  
22 *of forestland inside a forest protection district where there exists a concen-*  
23 *tration of structures in an urban or suburban setting.]*

24 *“(2) As used in ORS 477.015 to 477.057, unless the context requires other-*  
25 *wise:]*

26 *“(a) ‘Committee’ means a county forestland-urban interface classification*  
27 *committee.]*

28 *“(b) ‘Governing body’ means the board of county commissioners or county*  
29 *court of a county, as the case may be.]*

30 **“SECTION 27.** ORS 477.025 is amended to read:

1 “477.025. The Legislative Assembly recognizes that the [*forestland*]  
2 **wildland**-urban interface in Oregon varies by condition, situation, fire haz-  
3 ard and risk, that different [*forestland*] **wildland**-urban interface fire pro-  
4 tection problems exist across the state because of this variability, **and** that  
5 these different problems necessitate varied fire prevention and protection  
6 practices. [*and that, in order to give recognition to such differences and their*  
7 *effect on the accomplishment of the public policy stated in ORS 477.023, certain*  
8 *classifications of the forestland-urban interface within the State of Oregon are*  
9 *established by ORS 477.027 to 477.057.*]

10 **“SECTION 28.** ORS 477.027 is amended to read:

11 “477.027. (1) By administrative rule, the State Board of Forestry shall  
12 establish criteria by which the [*forestland*] **wildland**-urban interface shall  
13 be identified and classified. The criteria shall recognize differences across  
14 the state in fire hazard, fire risk and structural characteristics within the  
15 [*forestland*] **wildland**-urban interface.

16 “(2) The [*criteria shall include*] **board shall establish** not less than three  
17 nor more than five classes of [*forestland*] **wildland**-urban interface **based on**  
18 **the criteria.**

19 “(3) **The classes must be integrated into the comprehensive state-**  
20 **wide map described in section 7 of this 2021 Act.**

21 **“SECTION 29.** ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052,  
22 477.054, 477.057, 477.059, 477.060 and 477.061 are repealed.

23

24 **“CONFORMING AMENDMENTS**

25

26 **“SECTION 30.** ORS 105.464 is amended to read:

27 “105.464. A seller’s property disclosure statement must be in substantially  
28 the following form:

29 “

30 If required under ORS 105.465, a seller shall deliver in substantially the fol-

1 lowing form the seller's property disclosure statement to each buyer who  
2 makes a written offer to purchase real property in this state:

3

---

4 INSTRUCTIONS TO THE SELLER

5

6 Please complete the following form. Do not leave any spaces blank. Please  
7 refer to the line number(s) of the question(s) when you provide your  
8 explanation(s). If you are not claiming an exclusion or refusing to provide  
9 the form under ORS 105.475 (4), you should date and sign each page of this  
10 disclosure statement and each attachment.

11

12 Each seller of residential property described in ORS 105.465 must deliver this  
13 form to each buyer who makes a written offer to purchase. Under ORS  
14 105.475 (4), refusal to provide this form gives the buyer the right to revoke  
15 their offer at any time prior to closing the transaction. Use only the  
16 section(s) of the form that apply to the transaction for which the form is  
17 used. If you are claiming an exclusion under ORS 105.470, fill out only Sec-  
18 tion 1.

19

20 An exclusion may be claimed only if the seller qualifies for the exclusion  
21 under the law. If not excluded, the seller must disclose the condition of the  
22 property or the buyer may revoke their offer to purchase anytime prior to  
23 closing the transaction. Questions regarding the legal consequences of the  
24 seller's choice should be directed to a qualified attorney.

25

---

26 **(DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN**  
27 **EXCLUSION UNDER ORS 105.470)**

28

29 Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:

30

1 You may claim an exclusion under ORS 105.470 only if you qualify under the  
2 statute. If you are not claiming an exclusion, you must fill out Section 2 of  
3 this form completely.

4

5 Initial only the exclusion you wish to claim.

6

7 \_\_\_\_\_ This is the first sale of a dwelling never occupied. The dwelling is  
8 constructed or installed under building or installation permit(s) #\_\_\_\_\_, is-  
9 sued by \_\_\_\_\_.

10

11 \_\_\_\_\_ This sale is by a financial institution that acquired the property as  
12 custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.

13

14 \_\_\_\_\_ The seller is a court appointed receiver, personal representative,  
15 trustee, conservator or guardian.

16

17 \_\_\_\_\_ This sale or transfer is by a governmental agency.

18

19

\_\_\_\_\_

20

Signature(s) of Seller claiming exclusion

21

Date \_\_\_\_\_

22

23

\_\_\_\_\_

24

Buyer(s) to acknowledge Seller's claim

25

Date \_\_\_\_\_

26

\_\_\_\_\_

27 (IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST  
28 FILL OUT THIS SECTION.)

29

30 Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

1 (NOT A WARRANTY)

2 (ORS 105.464)

3  
4 NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE  
5 MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE  
6 PROPERTY LOCATED AT \_\_\_\_\_ (“THE PROPERTY”).

7  
8 DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE  
9 SELLER ON THE BASIS OF SELLER’S ACTUAL KNOWLEDGE OF THE  
10 PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE DAYS  
11 FROM THE SELLER’S DELIVERY OF THIS SELLER’S DISCLOSURE  
12 STATEMENT TO REVOKE BUYER’S OFFER BY DELIVERING BUYER’S  
13 SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE  
14 SELLER DISAPPROVING THE SELLER’S DISCLOSURE STATEMENT,  
15 UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING  
16 INTO A SALE AGREEMENT.

17  
18 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC  
19 CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND  
20 PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT  
21 THE PROPERTY ON BUYER’S BEHALF INCLUDING, FOR EXAMPLE,  
22 ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS,  
23 PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPEC-  
24 TORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR  
25 PEST AND DRY ROT INSPECTORS.

26  
27 Seller \_\_\_\_\_ is/ \_\_\_\_\_ is not occupying the property.

28  
29 I. SELLER’S REPRESENTATIONS:  
30



1 The following are representations made by the seller and are not the re-  
2 presentations of any financial institution that may have made or may make  
3 a loan pertaining to the property, or that may have or take a security in-  
4 terest in the property, or any real estate licensee engaged by the seller or  
5 the buyer.

6

7 \*If you mark yes on items with \*, attach a copy or explain on an attached  
8 sheet.

9

10 1. TITLE

11 A. Do you have legal authority to sell the property? [ ]Yes [ ]No [ ]Unknown

12 \*B. Is title to the property subject to any of the

13 following: [ ]Yes [ ]No [ ]Unknown

14 (1) First right of refusal

15 (2) Option

16 (3) Lease or rental agreement

17 (4) Other listing

18 (5) Life estate?

19 \*C. Is the property being transferred an

20 unlawfully established unit of land? [ ]Yes [ ]No [ ]Unknown

21 \*D. Are there any encroachments, boundary

22 agreements, boundary disputes or recent

23 boundary changes? [ ]Yes [ ]No [ ]Unknown

24 \*E. Are there any rights of way, easements,

25 licenses, access limitations or claims that

26 may affect your interest in the property? [ ]Yes [ ]No [ ]Unknown

27 \*F. Are there any agreements for joint

28 maintenance of an easement or right of way? [ ]Yes [ ]No [ ]Unknown

29 \*G. Are there any governmental studies, designations,

30 zoning overlays, surveys or notices that would

- 1 affect the property?  ]Yes  ]No  ]Unknown
- 2 \*H. Are there any pending or existing governmental  
3 assessments against the property?  ]Yes  ]No  ]Unknown
- 4 \*I. Are there any zoning violations or  
5 nonconforming uses?  ]Yes  ]No  ]Unknown
- 6 \*J. Is there a boundary survey for the  
7 property?  ]Yes  ]No  ]Unknown
- 8 \*K. Are there any covenants, conditions,  
9 restrictions or private assessments that  
10 affect the property?  ]Yes  ]No  ]Unknown
- 11 \*L. Is the property subject to any special tax  
12 assessment or tax treatment that may result  
13 in levy of additional taxes if the property  
14 is sold?  ]Yes  ]No  ]Unknown

15

16 2. WATER

17 A. Household water

18 (1) The source of the water is (check ALL that apply):

19  ]Public  ]Community  ]Private

20  ]Other \_\_\_\_\_

21 (2) Water source information:

22 \*a. Does the water source require a water permit?  ]Yes  ]No  ]Unknown

23 If yes, do you have a permit?  ]Yes  ]No

24 b. Is the water source located on the property?  ]Yes  ]No  ]Unknown

25 \*If not, are there any written agreements for  
26 a shared water source?  ]Yes  ]No  ]Unknown  ]NA

27 \*c. Is there an easement (recorded or unrecorded)  
28 for your access to or maintenance of the water  
29 source?  ]Yes  ]No  ]Unknown

30 d. If the source of water is from a well or spring,

1 have you had any of the following in the past  
2 12 months? [ ]Flow test [ ]Bacteria test  
3 [ ]Chemical contents test [ ]Yes [ ]No [ ]Unknown [ ]NA

4 \*e. Are there any water source plumbing problems  
5 or needed repairs? [ ]Yes [ ]No [ ]Unknown

6 (3) Are there any water treatment systems for  
7 the property? [ ]Yes [ ]No [ ]Unknown

8 [ ]Leased [ ]Owned

9 B. Irrigation

10 (1) Are there any [ ] water rights or [ ] other  
11 irrigation rights for the property? [ ]Yes [ ]No [ ]Unknown

12 \*(2) If any exist, has the irrigation water been  
13 used during the last five-year period? [ ]Yes [ ]No [ ]Unknown [ ]NA

14 \*(3) Is there a water rights certificate or other  
15 written evidence available? [ ]Yes [ ]No [ ]Unknown [ ]NA

16 C. Outdoor sprinkler system

17 (1) Is there an outdoor sprinkler system for the  
18 property? [ ]Yes [ ]No [ ]Unknown

19 (2) Has a back flow valve been installed? [ ]Yes [ ]No [ ]Unknown [ ]NA

20 (3) Is the outdoor sprinkler system operable? [ ]Yes [ ]No [ ]Unknown [ ]NA

21

22 3. SEWAGE SYSTEM

23 A. Is the property connected to a public or  
24 community sewage system? [ ]Yes [ ]No [ ]Unknown

25 B. Are there any new public or community sewage  
26 systems proposed for the property? [ ]Yes [ ]No [ ]Unknown

27 C. Is the property connected to an on-site septic  
28 system? [ ]Yes [ ]No [ ]Unknown

29 (1) If yes, when was the system installed? \_\_\_\_\_ [ ]Unknown [ ]NA

30 (2) \*If yes, was the system installed by permit? [ ]Yes [ ]No [ ]Unknown [ ]NA

- 1 (3) \*Has the system been repaired or altered? [ ]Yes [ ]No [ ]Unknown
- 2 (4) \*Has the condition of the system been
- 3 evaluated and a report issued? [ ]Yes [ ]No [ ]Unknown
- 4 (5) Has the septic tank ever been pumped? [ ]Yes [ ]No [ ]Unknown
- 5 If yes, when? \_\_\_\_\_ [ ]NA
- 6 (6) Does the system have a pump? [ ]Yes [ ]No [ ]Unknown
- 7 (7) Does the system have a treatment unit such
- 8 as a sand filter or an aerobic unit? [ ]Yes [ ]No [ ]Unknown
- 9 (8) \*Is a service contract for routine
- 10 maintenance required for the system? [ ]Yes [ ]No [ ]Unknown
- 11 (9) Are all components of the system located on
- 12 the property? [ ]Yes [ ]No [ ]Unknown
- 13 D. \*Are there any sewage system problems or
- 14 needed repairs? [ ]Yes [ ]No [ ]Unknown
- 15 E. Does your sewage system require on-site
- 16 pumping to another level? [ ]Yes [ ]No [ ]Unknown
- 17
- 18 4. DWELLING INSULATION
- 19 A. Is there insulation in the:
- 20 (1) Ceiling? [ ]Yes [ ]No [ ]Unknown
- 21 (2) Exterior walls? [ ]Yes [ ]No [ ]Unknown
- 22 (3) Floors? [ ]Yes [ ]No [ ]Unknown
- 23 B. Are there any defective insulated doors or
- 24 windows? [ ]Yes [ ]No [ ]Unknown
- 25
- 26 5. DWELLING STRUCTURE
- 27 \*A. Has the roof leaked? [ ]Yes [ ]No [ ]Unknown
- 28 If yes, has it been repaired? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 29 B. Are there any additions, conversions or
- 30 remodeling? [ ]Yes [ ]No [ ]Unknown

1           If yes, was a building permit required?            Yes    No    Unknown    NA

2           If yes, was a building permit obtained?            Yes    No    Unknown    NA

3           If yes, was final inspection obtained?            Yes    No    Unknown    NA

4    C.   Are there smoke alarms or detectors?            Yes    No    Unknown

5    D.   Are there carbon monoxide alarms?            Yes    No    Unknown

6    E.   Is there a woodstove or fireplace

7           insert included in the sale?            Yes    No    Unknown

8           \*If yes, what is the make? \_\_\_\_\_

9           \*If yes, was it installed with a permit?            Yes    No    Unknown

10          \*If yes, is a certification label issued by the

11          United States Environmental Protection

12          Agency (EPA) or the Department of

13          Environmental Quality (DEQ) affixed to it?            Yes    No    Unknown

14    \*F.   Has pest and dry rot, structural or

15          “whole house” inspection been done

16          within the last three years?            Yes    No    Unknown

17    \*G.   Are there any moisture problems, areas of water

18          penetration, mildew odors or other moisture

19          conditions (especially in the basement)?            Yes    No    Unknown

20          \*If yes, explain on attached sheet the frequency

21          and extent of problem and any insurance claims,

22          repairs or remediation done.

23    H.   Is there a sump pump on the property?            Yes    No    Unknown

24    I.   Are there any materials used in the

25          construction of the structure that are or

26          have been the subject of a recall, class

27          action suit, settlement or litigation?            Yes    No    Unknown

28          If yes, what are the materials? \_\_\_\_\_

29    (1)   Are there problems with the materials?            Yes    No    Unknown    NA

30    (2)   Are the materials covered by a warranty?            Yes    No    Unknown    NA

- 1 (3) Have the materials been inspected? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 2 (4) Have there ever been claims filed for these  
 3 materials by you or by previous owners? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 4 If yes, when? \_\_\_\_\_  
 5 (5) Was money received? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 6 (6) Were any of the materials repaired or  
 7 replaced? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 8

9 6. DWELLING SYSTEMS AND FIXTURES

10 If the following systems or fixtures are included  
 11 in the purchase price, are they in good working  
 12 order on the date this form is signed?

- 13 A. Electrical system, including wiring, switches,  
 14 outlets and service [ ]Yes [ ]No [ ]Unknown  
 15 B. Plumbing system, including pipes, faucets,  
 16 fixtures and toilets [ ]Yes [ ]No [ ]Unknown  
 17 C. Water heater tank [ ]Yes [ ]No [ ]Unknown  
 18 D. Garbage disposal [ ]Yes [ ]No [ ]Unknown [ ]NA  
 19 E. Built-in range and oven [ ]Yes [ ]No [ ]Unknown [ ]NA  
 20 F. Built-in dishwasher [ ]Yes [ ]No [ ]Unknown [ ]NA  
 21 G. Sump pump [ ]Yes [ ]No [ ]Unknown [ ]NA  
 22 H. Heating and cooling systems [ ]Yes [ ]No [ ]Unknown [ ]NA  
 23 I. Security system [ ]Owned [ ]Leased [ ]Yes [ ]No [ ]Unknown [ ]NA  
 24 J. Are there any materials or products used in  
 25 the systems and fixtures that are or have  
 26 been the subject of a recall, class action  
 27 suit settlement or litigation? [ ]Yes [ ]No [ ]Unknown  
 28 If yes, what product? \_\_\_\_\_  
 29 (1) Are there problems with the product? [ ]Yes [ ]No [ ]Unknown  
 30 (2) Is the product covered by a warranty? [ ]Yes [ ]No [ ]Unknown

- 1 (3) Has the product been inspected? [ ]Yes [ ]No [ ]Unknown  
 2 (4) Have claims been filed for this product  
 3 by you or by previous owners? [ ]Yes [ ]No [ ]Unknown  
 4 If yes, when? \_\_\_\_\_  
 5 (5) Was money received? [ ]Yes [ ]No [ ]Unknown  
 6 (6) Were any of the materials or products repaired  
 7 or replaced? [ ]Yes [ ]No [ ]Unknown  
 8

9 7. COMMON INTEREST

- 10 A. Is there a Home Owners' Association  
 11 or other governing entity? [ ]Yes [ ]No [ ]Unknown

12 Name of Association or Other Governing  
 13 Entity \_\_\_\_\_  
 14 Contact Person \_\_\_\_\_  
 15 Address \_\_\_\_\_  
 16 Phone Number \_\_\_\_\_

- 17 B. Regular periodic assessments: \$\_\_\_\_\_ per  
 18 [ ]Month [ ]Year [ ]Other \_\_\_\_\_

- 19 \*C. Are there any pending or proposed special  
 20 assessments? [ ]Yes [ ]No [ ]Unknown

- 21 D. Are there shared "common areas" or joint  
 22 maintenance agreements for facilities like  
 23 walls, fences, pools, tennis courts, walkways  
 24 or other areas co-owned in undivided interest  
 25 with others? [ ]Yes [ ]No [ ]Unknown

- 26 E. Is the Home Owners' Association or other  
 27 governing entity a party to pending litigation  
 28 or subject to an unsatisfied judgment? [ ]Yes [ ]No [ ]Unknown [ ]NA

- 29 F. Is the property in violation of recorded  
 30 covenants, conditions and restrictions or in

1 violation of other bylaws or governing rules,  
2 whether recorded or not? [ ]Yes [ ]No [ ]Unknown [ ]NA

3

4 8. SEISMIC

5 Was the house constructed before 1974? [ ]Yes [ ]No [ ]Unknown

6 If yes, has the house been bolted to its  
7 foundation? [ ]Yes [ ]No [ ]Unknown

8

9 9. GENERAL

10 A. Are there problems with settling, soil,  
11 standing water or drainage on the property  
12 or in the immediate area? [ ]Yes [ ]No [ ]Unknown

13 B. Does the property contain fill? [ ]Yes [ ]No [ ]Unknown

14 C. Is there any material damage to the property or  
15 any of the structure(s) from fire, wind, floods,  
16 beach movements, earthquake, expansive soils  
17 or landslides? [ ]Yes [ ]No [ ]Unknown

18 D. Is the property in a designated floodplain? [ ]Yes [ ]No [ ]Unknown

19 Note: Flood insurance may be required for  
20 homes in a floodplain.

21 E. Is the property in a designated slide or  
22 other geologic hazard zone? [ ]Yes [ ]No [ ]Unknown

23 \*F. Has any portion of the property been tested  
24 or treated for asbestos, formaldehyde, radon  
25 gas, lead-based paint, mold, fuel or chemical  
26 storage tanks or contaminated soil or water? [ ]Yes [ ]No [ ]Unknown

27 G. Are there any tanks or underground storage  
28 tanks (e.g., septic, chemical, fuel, etc.)  
29 on the property? [ ]Yes [ ]No [ ]Unknown

30 H. Has the property ever been used as an illegal



1 drug manufacturing or distribution site? [ ]Yes [ ]No [ ]Unknown  
2 \*If yes, was a Certificate of Fitness issued? [ ]Yes [ ]No [ ]Unknown  
3 \*I. Has the property been classified as  
4 [forestland] **wildland**-urban interface? [ ]Yes [ ]No [ ]Unknown  
5

6 10. FULL DISCLOSURE BY SELLERS

7 \*A. Are there any other material defects affecting  
8 this property or its value that a prospective  
9 buyer should know about? [ ]Yes [ ]No

10 \*If yes, describe the defect on attached sheet and  
11 explain the frequency and extent of the problem  
12 and any insurance claims, repairs or remediation.

13 B. Verification:

14 The foregoing answers and attached explanations (if any) are complete and correct to  
15 the best of my/our knowledge and I/we have received a copy of this disclosure statement.  
16 I/we authorize my/our agents to deliver a copy of this disclosure statement to all  
17 prospective buyers of the property or their agents.  
18

19 Seller(s) signature:

20  
21 SELLER \_\_\_\_\_ DATE \_\_\_\_\_

22

23 SELLER \_\_\_\_\_ DATE \_\_\_\_\_  
24 \_\_\_\_\_

25

26

27 II. BUYER'S ACKNOWLEDGMENT

28

29 A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any  
30 material defects that are known to me/us or can be known by me/us by uti-  
lizing diligent attention and observation.

1 B. Each buyer acknowledges and understands that the disclosures set forth  
2 in this statement and in any amendments to this statement are made only  
3 by the seller and are not the representations of any financial institution that  
4 may have made or may make a loan pertaining to the property, or that may  
5 have or take a security interest in the property, or of any real estate licensee  
6 engaged by the seller or buyer. A financial institution or real estate licensee  
7 is not bound by and has no liability with respect to any representation,  
8 misrepresentation, omission, error or inaccuracy contained in another party's  
9 disclosure statement required by this section or any amendment to the dis-  
10 closure statement.

11

12 C. Buyer (which term includes all persons signing the "buyer's acknowledg-  
13 ment" portion of this disclosure statement below) hereby acknowledges re-  
14 ceipt of a copy of this disclosure statement (including attachments, if any)  
15 bearing seller's signature(s).

16

17 DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED  
18 BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE  
19 OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER  
20 HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE  
21 FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE  
22 STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEP-  
23 ARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE  
24 SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU  
25 WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE  
26 AGREEMENT.

27

28 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS  
29 SELLER'S PROPERTY DISCLOSURE STATEMENT.

30

1 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

2

3 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

4

5 Agent receiving disclosure statement on buyer’s behalf to sign and date:

6

7 \_\_\_\_\_ Real Estate Licensee

8

9 \_\_\_\_\_ Real Estate Firm

10

11 Date received by agent \_\_\_\_\_

12 “ \_\_\_\_\_

13 **“SECTION 31.** ORS 197.716 is amended to read:

14 “197.716. (1) As used in this section:

15 “(a) ‘Economic opportunity analysis’ means an analysis performed by a  
16 county that:

17 “(A) Identifies the major categories of industrial uses or other employ-  
18 ment uses that could reasonably be expected to expand or locate in the  
19 county based on a review of trends on a national, state, regional or county  
20 level;

21 “(B) Identifies the number of sites by type reasonably expected to be  
22 needed to accommodate the expected employment growth based on the site  
23 characteristics typical of expected uses;

24 “(C) Estimates the types and amounts of industrial uses and other em-  
25 ployment uses likely to occur in the county based on subparagraphs (A) and  
26 (B) of this paragraph and considering the county’s economic advantages and  
27 disadvantages, including:

28 “(i) Location, size and buying power of markets;

29 “(ii) Availability of transportation facilities for access and freight mobil-  
30 ity;

1       “(iii) Public facilities and public services;  
2       “(iv) Labor market factors;  
3       “(v) Access to suppliers and utilities;  
4       “(vi) Necessary support services;  
5       “(vii) Limits on development due to federal and state environmental pro-  
6       tection laws; and  
7       “(viii) Educational and technical training programs;  
8       “(D) Assesses community economic development potential through a pub-  
9       lic process in conjunction with state agencies and consistent with any cate-  
10      gories or particular types of industrial uses and other employment uses  
11      desired by the community as identified in an existing comprehensive plan;  
12      “(E) Examines existing firms in the county to identify the types of sites  
13      that may require expansion;  
14      “(F) Includes an inventory of vacant and developed lands within the  
15      county designated for industrial use or other employment use, including:  
16      “(i) The description, including site characteristics, of vacant or developed  
17      sites within each plan or zoning district; and  
18      “(ii) A description of any development constraints or infrastructure needs  
19      that affect the buildable area of sites in the inventory; and  
20      “(G) Identifies additional potential sites for designation and rezoning that  
21      could reasonably accommodate expected industrial uses and other employ-  
22      ment uses that cannot be met by existing inventories.  
23      “(b) ‘Industrial use’ means industrial employment activities, including  
24      manufacturing, assembly, fabrication, processing, storage, logistics, ware-  
25      housing, importation, distribution and transshipment and research and de-  
26      velopment.  
27      “(c) ‘Listed county’ means Baker, Gilliam, Grant, Harney, Lake, Malheur,  
28      Sherman, Union, Wallowa or Wheeler County.  
29      “(d) ‘Other employment use’ means all nonindustrial employment activ-  
30      ities, including small scale commercial use, wholesale, service, nonprofit,

1 business headquarters, administrative, governmental or employment activ-  
2 ities that serve the medical, educational, social service, recreational or se-  
3 curity industries and that occupy retail, office or flexible building types of  
4 any size or multibuilding campuses.

5 “(e) ‘Reasonably be expected to expand or locate in the county’ means  
6 that the county possesses the appropriate locational factors for the use or  
7 category of use.

8 “(f)(A) ‘Small scale commercial use’ means the low-impact use of land  
9 primarily for the retail sale of products or services, including offices.

10 “(B) ‘Small scale commercial use’ does not include use of land for facto-  
11 ries, warehouses, freight terminals or wholesale distribution centers.

12 “(2) A listed county that has adopted an economic opportunity analysis  
13 as part of its comprehensive plan may amend its comprehensive plan, land  
14 use regulations and zoning map to designate not more than 10 sites outside  
15 an urban growth boundary that cumulatively total not more than 50 acres  
16 of land if the sites were identified in any economic opportunity analysis as  
17 additional potential sites for industrial uses or other employment uses in  
18 order to allow for industrial uses and other employment uses without re-  
19 quiring an exception under ORS 197.732 to any statewide land use planning  
20 goals related to:

21 “(a) Agriculture;

22 “(b) Forest use; or

23 “(c) Urbanization.

24 “(3) A county may not designate a site under subsection (2) of this sec-  
25 tion:

26 “(a) On any lands designated as high-value farmland as defined in ORS  
27 195.300;

28 “(b) Unless the county complies with ORS 197.714; and

29 “(c) If any portion of the proposed site is for lands designated for forest  
30 use, unless the county:

1 “(A) Notifies the State Forester in writing not less than 21 days before  
2 designating the site; and

3 “(B) Cooperates with the State Forester in:

4 “(i) Updating and classifying [*forestland*] **wildland**-urban interface lands  
5 in and around the site;

6 “(ii) Taking necessary steps to implement or update the [*forestland*]  
7 **wildland**-urban interface fire protection system in and around the site as  
8 described in ORS [*477.015 to 477.061*] **477.027**; and

9 “(iii) Implementing other fire protection measures authorized by the State  
10 Forester.

11 “(4) A county may not amend its comprehensive plan, land use regulations  
12 or zoning map under this section to allow a use that would conflict with an  
13 administrative rule adopted for the purpose of implementing the Oregon  
14 Sage-Grouse Action Plan and Executive Order 15-18.

15 **“SECTION 32.** ORS 205.130 is amended to read:

16 “205.130. The county clerk shall:

17 “(1) Have the custody of, and safely keep and preserve, all files and re-  
18 cords of deeds and mortgages of real property and a record of all maps, plats,  
19 contracts, powers of attorney and other interests affecting the title to real  
20 property required or permitted by law to be recorded.

21 “(2) Record, or cause to be recorded, in a legible and permanent manner,  
22 and keep in the office of the county clerk, all:

23 “(a) Deeds and mortgages of real property, powers of attorney and con-  
24 tracts affecting the title to real property, authorized by law to be recorded,  
25 assignments thereof and of any interest therein when properly acknowledged  
26 or proved and other interests affecting the title to real property required or  
27 permitted by law to be recorded;

28 “(b) Certificates of sale of real property under execution or order of court,  
29 or assignments of previously recorded certificates or of any interest in real  
30 property, when properly acknowledged or proved;

1 “(c) Certified copies of death records of any person appearing in the  
2 county records as owning or having a claim or interest in land in the county.  
3 A certified copy of a death record recorded in the deed records of a county  
4 under this subsection is a public record and is not subject to the disclosure  
5 limitations under ORS 432.350;

6 “(d) Instruments presented for recording by the United States or the State  
7 of Oregon, or a political subdivision of either, that affect title to or an in-  
8 terest in real property or that lawfully concern real property; **and**

9 “(e) Instruments recognized under state law or rule or federal law or  
10 regulation as affecting title to or an interest in real property if the instru-  
11 ment is properly acknowledged or proved[; *and*].

12 “[*f*] *Orders from a county forestland-urban interface classification commit-*  
13 *tee filed under ORS 477.052.*]

14 “(3) Keep and maintain:

15 “(a) Deed and mortgage records;

16 “(b) Statutory lien records;

17 “(c) A record called the County Clerk Lien Record in which the following  
18 shall be recorded:

19 “(A) The warrants and orders of officers and agencies that are required  
20 or permitted by law to be recorded; and

21 “(B) All instruments presented for recordation when required or permitted  
22 by law to be recorded that affect the title to or an interest in real property,  
23 other than instruments recorded in the deed and mortgage records or the  
24 statutory lien records;

25 “(d) Releases, satisfactions, assignments, amendments and modifications  
26 of recorded instruments; and

27 “(e) Other instruments required or permitted by law to be recorded not  
28 affecting interests in real property.

29 “(4) Perform all the duties in regard to the recording and indexing of  
30 deeds and mortgages of real property, contracts, abstracts of judgments, no-

1 tices of pendency, powers of attorney and other interests when required or  
2 permitted by law to be recorded that affect the title of real property, and in  
3 regard to the entry of satisfaction and discharge of the same, together with  
4 other documents required or permitted by law to be recorded.

5 “(5) Incur no civil or criminal liability, either personally or in an official  
6 capacity, for recording an instrument that does not comply with the pro-  
7 visions of law that require or allow the recording of the instrument.

8 **“SECTION 33.** ORS 477.281 is amended to read:

9 “477.281. (1) The obligation of an owner of timberland or grazing land for  
10 payment of assessments and taxes for fire protection of forestland is limited  
11 to:

12 “(a) The payment of moneys pursuant to ORS 321.015 (2), 477.277, 477.295,  
13 477.760 (4) and 477.880 to maintain the Oregon Forest Land Protection Fund;  
14 and

15 “(b) The payment of forest protection district assessments pursuant to  
16 ORS [477.060 and] 477.205 to 477.281.

17 “(2) As used in this section, ‘obligation of an owner of timberland or  
18 grazing land for payment of assessments and taxes for fire protection of  
19 forestland’ does not include the duties or obligations of the owner under ORS  
20 477.066, 477.068 or 477.120 or the obligations of an owner of land included in  
21 a rural fire protection district pursuant to ORS 478.010.

22

23 **“APPROPRIATIONS**

24

25 **“SECTION 34. In addition to and not in lieu of any other appropri-**  
26 **ation, there is appropriated to the State Board of Forestry, for the**  
27 **biennium beginning July 1, 2021, out of the General Fund, the amount**  
28 **of \$\_\_\_\_\_ for the purpose of developing and maintaining the map de-**  
29 **scribed in section 7 of this 2021 Act.**

30 **“SECTION 35. In addition to and not in lieu of any other appropri-**



1 ation, there is appropriated to Oregon State University, for the  
2 biennium beginning July 1, 2021, out of the General Fund, the amount  
3 of \$\_\_\_\_\_ for the purpose of collaborating on the map described in  
4 section 7 of this 2021 Act.

5 **“SECTION 36.** In addition to and not in lieu of any other appropri-  
6 ation, there is appropriated to the State Fire Marshal, for the  
7 biennium beginning July 1, 2021, out of the General Fund, the amount  
8 of \$\_\_\_\_\_ for purposes described in section 8 of this 2021 Act.

9 **“SECTION 37.** In addition to and not in lieu of any other appropri-  
10 ation, there is appropriated to the Environmental Quality Commission,  
11 for the biennium beginning July 1, 2021, out of the General Fund, the  
12 amount of \$\_\_\_\_\_ for purposes described in section 13 of this 2021 Act.

13 **“SECTION 38.** In addition to and not in lieu of any other appropri-  
14 ation, there is appropriated to the Environmental Quality Commission,  
15 for the biennium beginning July 1, 2021, out of the General Fund, the  
16 amount of \$\_\_\_\_\_ for purposes described in section 13a of this 2021 Act.

17 **“SECTION 39.** In addition to and not in lieu of any other appropri-  
18 ation, there is appropriated to the Environmental Quality Commission,  
19 for the biennium beginning July 1, 2021, out of the General Fund, the  
20 amount of \$\_\_\_\_\_ for purposes described in section 13b of this 2021 Act.

21 **“SECTION 40.** There is appropriated to the Oregon Health Author-  
22 ity, for the biennium beginning July 1, 2021, out of the General Fund,  
23 the amount of \$\_\_\_\_\_ for purposes described in section 14 of this 2021  
24 Act.

25 **“SECTION 41.** There is appropriated to the Oregon Health Author-  
26 ity, for the biennium beginning July 1, 2021, out of the General Fund,  
27 the amount of \$\_\_\_\_\_ for purposes described in section 15 of this 2021  
28 Act.

29 **“SECTION 42.** In addition to and not in lieu of any other appropri-  
30 ation, there is appropriated to the State Forestry Department, for the

1 biennium beginning July 1, 2021, out of the General Fund, the amount  
2 of \$\_\_\_\_\_ for purposes described in section 18 of this 2021 Act.

3 **“SECTION 43.** In addition to and not in lieu of any other appropri-  
4 ation, there is appropriated to the Higher Education Coordinating  
5 Commission, for the biennium beginning July 1, 2021, out of the Gen-  
6 eral Fund, the amount of \$\_\_\_\_\_ for purposes described in section 20a  
7 of this 2021 Act.

8 **“SECTION 44.** In addition to and not in lieu of any other appropri-  
9 ation, there is appropriated to the Higher Education Coordinating  
10 Commission, for the biennium beginning July 1, 2021, out of the Gen-  
11 eral Fund, for deposit in the Oregon Wildfire Workforce Corps Fund  
12 established by section 20d of this 2021 Act:

13 **“(1)** The amount of \$\_\_\_\_\_; and

14 **“(2)** The amount of \$\_\_\_\_\_ to match private donations to the  
15 Oregon Community Foundation that are donated for the purpose of  
16 funding grant-support projects related to the Oregon Wildfire  
17 Workforce Corps Program.

18 **“SECTION 45.** In addition to and not in lieu of any other appropri-  
19 ation, there is appropriated to the State Forestry Department, for the  
20 biennium beginning July 1, 2021, out of the General Fund, the amount  
21 of \$\_\_\_\_\_ for purposes described in section 20e of this 2021 Act.

22 **“SECTION 46.** In addition to and not in lieu of any other appropri-  
23 ation, there is appropriated to the State Board of Forestry, for the  
24 biennium beginning July 1, 2021, out of the General Fund, the amount  
25 of \$\_\_\_\_\_ for the purpose of establishing and implementing the Certi-  
26 fied Burn Manager program described in ORS 526.360.

27

28

#### “CAPTIONS

29

30 **“SECTION 47.** The unit captions used in this 2021 Act are provided

1 only for the convenience of the reader and do not become part of the  
2 statutory law of this state or express any legislative intent in the  
3 enactment of this 2021 Act.

4

5

**“EMERGENCY CLAUSE**

6

7 **“SECTION 48. This 2021 Act being necessary for the immediate**  
8 **preservation of the public peace, health and safety, an emergency is**  
9 **declared to exist, and this 2021 Act takes effect on its passage.”.**

10

\_\_\_\_\_